1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

and he is a *tada njima* or client of the settlement head. All residents of this new settlement look upon its founder as their local leader. Disputes between members are always taken to Aji before going to any higher authorities while disputes with outsiders follow the general Bornu rule of going first to a political leader superior in rank to both participants. The new settlement does not have a name; however in all likelihood if it continues to grow and Aji's place is taken by one of his heirs, either his brother or his son, it will be called Aji or Ajiri after its founder. At present Aji collects taxes from the men of the new community, and these are taken by the hamlet head of Gworongo to the head of Magumeri village area. Aji hopes that one day he will be able to take the taxes directly to Magumeri, thus helping to indicate his equal political status to that of the hamlet head of Gworongo. When that happens he will be a recognized bullama or head man of a hamlet or ward. He tries to take disputes directly to Magumeri village, but in 1957 this was not accepted and the hamlet head of Gworongo was invariably called to sit in on such discussions.

The same process can be seen operating in larger villages. In Magumeri village itself one ward under its bullama (ward or hamlet head) was, in 1957, becoming large enough so that people were beginning to speak of the possibility of its splitting into two under the old bullama and a new one. In the ward a man named Kachella has under his authority the compounds of several younger full brothers, three of his sons two of whom are married, several nephews, and a few unrelated clients who say they are his *tada njima*. He collects taxes from these compounds and takes the money directly to the village head of Magumeri. However he recognizes the authority of the present ward head in settling disputes and always consults the latter first before taking the matter to a higher authority. One of his sons has married a girl from the household of the ward head and this helps link the two households. The ward head seems tolerant of the rising power and influence of his neighbor and always consults him on any major decision affecting the ward. Eventually however, if the set of linked households under the authority of Kachella continues to expand, then he will become a recognized bullama of his own ward of the village and the office will be passed on to his heirs.

The Village Area

The village area in Bornu includes a major settlement which gives the area its name and a set of surrounding smaller hamlets that are included within the political boundaries of the village area. Thus Magumeri village area includes the village of Magumeri and a series of little hamlets in the surrounding countryside. As we have seen, smaller villages are divided into wards under bullama and the hamlets surrounding the village each have their own bullama as well. In other words all recognized political leaders under a village area head are called bullama. The head of a village area, that is, the political superior of all bullamas in the village area is called the *lawan*. However the system is flexible and a few large cities such as the capital city of Maiduguri, as well as several other centers with populations over 10,000, have several lawan, each in his own ward of the city. Under these city lawan are sub-wards again under the bullama. Thus the traditional nineteenth-cen-

6. The Web of Kinship.

61 It was noted earlier that, according to Fortes, the rise of the state marks a decline in the importance of corporate descent groups. Fortes cites the Nupe as a case in point. Nadel, who has described the Nupe in detail, has this to say about kinship:

> "Let me say in conclusion that kinship structure in Nupe is not that dominant, all-enveloping structure which we know from many primitive societies. Although it bears upon religious life, education, and the organization of production, it is greatly overshadowed as a determinant of social behavior by the factors of political organization and, in economic life, by economic interests proper."[1]

This is even more true for the Kanuri, who have no kin groups, than it is for the Nupe, who are patrilineal in descent and have 61 patrilineages. The Kanuri recognize kinship as an ever-widen- 602 ing network of relationships. Behavior towards one's various relatives is structured and follows cultural rules of respect and joking as the case may be, but, as in most bilateral societies, only the personal kindred exists, definable for any given individual but without the formal properties of a group.

601 The word dur is used in referring to both family and relatives. The Kanuri distinguish between relatives linked through one's mother, referred to as dur chambe(family through milk), and relatives linked through one's father, called dur bube (family through blood). They say that the dur bube (father's family) 602 627 is stronger than the dur chambe, and in explanation they offer the following example: if a child is killed by someone, the

1 S. F. Nadel, A Black Byzantium (London: Oxford University Press, 1942), p. 33.

602 younger brother (kərami) of the child's father, a relative be-
627 longing to the child's dur bube, will avenge the child's death, and under those circumstances the law will not punish the avenger. The kərami of the child's mother will do nothing, for should he avenge the death of his sister's child the law states that he himself may be punished. This seems to be the only case for stating that the dur bube is stronger than the dur chambe.

174 611 It is extremely difficult to reconstruct earlier Kanuri social organization, and to indicate the changes which it has gone through. It is evident however, that patrilineal descent groups were present at the time of the accounts of Barth and Nachtigal, both of whom spent long periods of time with the Ka-
174 nuri in the nineteenth century. For earlier periods of the history of Bornu, names are given for tribes, and, in the history of federation, conquest and civil strife, these names sometimes have an ethnic or linguistic character; at other times they seem to designate political entities; and again they also resemble clans at times.

192 563 The Kanuri have a word, jili, which means "kind" or "sort", but can be used specifically for "nation," "people," or "kin
[101] group." A person's jili would first be given as Kanuri; he would then indicate sub-groups of Kanuri--Kanuri proper, Buduwai,
563 Kobber, Manga, Kwoyam etc. These sub-groups today speak dialects
184 174 of Kanuri which are all mutually intelligible, and no other in-
[197] digenous languages. They represent ethnic sub-groups who now share in the same larger culture, but who may have entered Bornu

693 Maiduguri. He also holds the post of Alkali for Maiduguri
554 District. Replacing Alkali Baba Kura in Geidam was another young man, Alkali Tijani Nanami, whose father had also been the Alkali in Geidam years earlier, in 1939-1940. Thus the same families tend to retain their positions of power and
[66] prestige in the social system. If the past can serve as a reliable guide, Yerima will again further the career of the new Alkali, so long as he sees that his help is appreciated and rewarded by proper reciprocal behavior, and in this way the close bond which he has always seemed to create and maintain with Alkalis in his district will serve to smooth the way in the administration of his district.

3. The Role of Authority Figures: Sholo.

627 692 A very widespread Kanuri method of obtaining in-group justice is through the arbitration of disputes by a person in a position of authority. This practice is called sholo. Disputants within a particular craft or occupation will go to the head of their craft group for arbitration. The head of the zogors arbitrates disputes between zogors. The Lowan arbitrates disputes within his ward or his village. The wakil has disputants brought to him; he then presents them before the Ajia
[648] for sholo. The Alkali will settle disputes out of court. The British officially forbade Lowans and Ajias from hearing cases
[771] and arbitrating in disputes. However, Alkali Baba Kura says that according to the Koran, the settlement of disputes through

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627 692 [779] arbitration is encouraged, so long as the complainant has his grievance adjusted.

627 662 431 Carrying out sholo is one of the most important functions of the individual in a position of political authority. It is subject to various forms of abuse, however, though there are self-regulating mechanisms which inhibit the continuation of abuses. The matter of fees and gifts in cases of sholo can be [192] a source of difficulty. The words kunjo and nasha are used for any sort of gift. Kafelo is the traditional gift which the small man, the talaka, gives to the important man, the kantuoma. Risa (Arabic) means simply a bribe. Wushira is the fee paid [779] to the court after a dispute is settled. According to Alkali Baba Kura, kafelo and risa amount to the same thing, and both are forbidden by Maliki law since gifts given with the expectation of preferences in the future are haram (forbidden according to religious law). Giving of kafelo is traditionally done nevertheless.

627 [431] Before the hearing of a dispute, both parties give kafelo to the mediator. If no kafelo is given, the dispute will not be heard. After a ruling is made in the dispute, the side which has received a favorable decision gives wushira to the medi- [693] ator. The reasoning involved in the giving of wushira is that if the case had gone to court a set fee would have been paid. When a case is heard in Sholo, therefore, the mediator receives as wushira a smaller fee than would have been paid in court.

Despite its outlawing by the British administration, sholo

627 is still widely practiced. If a man's decisions are just and people trust him, they will come to him for sholo. If he is not trusted, if he is feared or disliked, people will not bring 627 cases for him to hear. In one situation mentioned, the Lowan 663 of a town hears many cases and receives large amounts in wushira, 661 because he is wise and knows how to deal with people and resolve disputes. The Ajia of that district, who lives in the same town, does very little sholo because he is not tactful, loses his temper, and shouts a good deal. Should people suspect that a Lowan or an Ajia is taking bribes, they will cease to bring their disputes before him. The essence of sholo is that it represents a voluntary action on the part of disputants who wish to have a conflict resolved. The mediator is a person in authority, who is obligated to rule justly by virtue of his position. Should he misuse his position by taking bribes, he would violate the expectations of those beneath him, and they, by ceasing to bring cases to him for sholo, would prevent him from performing one of the most important roles of someone in his position. Giving of kafelo, therefore, is a recognition [831] [854] of the status of the man hearing the case, and is quite different from a bribe.

627 Yerima hears fifteen or twenty cases each week in which 431 he gives sholo. If mediation is impossible, he will send the [671] case to court. To have a case brought before Yerima, the complainant gives several shillings to his wakil. Yerima is never given money directly, but money collected by the wakil is turned

627 431 over to Yerima. Though the wakil or any kabuna may bring a case before Yerima, kafelo is presented solely to the wakil. Yerima denies that he exacts wushira after ruling in a case of sholo, but he admits to receiving kafelo beforehand. He states that kafelo often is in the form of bowls of millet, which he refers to as nasha (gifts); other informants say that kafelo to hear a case must be in hard cash.

627 578 Many of the cases brought before Yerima for sholo involve marital disputes. Where husband and wife are prepared to reconcile their differences, and seek merely to have an authority hear one another's promises not to repeat the things which caused conflict, sholo is effective. Where neither party is prepared to be reconciled, sholo cannot be effective, and the dispute is sent to court. Yerima rarely brings out his Koran for formal swearing. It is usually sufficient for a person to say that he is willing to swear on the Koran--the husband is willing to swear that he will never again beat his wife, the wife in turn is willing to swear that she never again will curse her husband. Sholo is doubly important in Geidam because the Ajia and the Alkali are extremely close, and work effectively together. Yerima sees their cooperation as a virtue. If he is aware of information which the Alkali should know in order to make a proper decision, he informs the Alkali. In turn, it is clear that Yerima's influence with the Alkali can potentially disrupt the course of true justice, might even be used for individual ends by others. Few Ajias are as close with their

627 463 464

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627 Alkalis as Yerima is with Alkali Baba Kura, but Yerima would
663 put his influence to use only when affairs arise which directly
661 concern him.

627 In the eyes of talaka, sholo is the major means for keeping
829 the peace. They do not distinguish sharply between the resolu-
671 tion of conflicts through sholo and through judgments handed down in the courtroom. The Kanuri do not conceive of an impartial legal system which grants all individuals equal protection. Law is conceived of as mediation granted by particular individuals, some more trustworthy than others. Whether one brings one's complaint before the Ajia, the Alkali, or the Lowan depends on whether one has greater trust in the Ajia, the Alkali, or the Lowan. In any case, one brings one's complaint to be heard by a single man, with his particular whims, idiosyncracies and prejudices, and one chooses the man in whom one
648 has the greatest confidence. According to the British view, sholo given by an Ajia or Lowan is not permitted, and is therefore not binding on the parties involved. A man who has received an unfavorable decision in sholo can complain to the court and the decision will be overruled. The Ajia or Lowan who heard the case will have difficulty because of it. This rarely happens because the talaka sees the situation from an entirely different viewpoint. When he brings a case for sholo and receives an adverse ruling, the dispute must end there as he has done everything possible for him to do in the situation, particularly if no bribes have been given (to his knowledge)

627 and he has had an opportunity to present his side of the dis-
829
671 pute. If he feels that the mediator has been bribed and the
[624] case has not been properly handled, he knows that he must never bring a case for sholo before that Ajia or Lowan again and he will let his relatives, friends, and neighbors know what occurred. If a decision has been against him, and he has no reason to suspect that it was not fairly given, then he cannot take the case for further sholo, since his case has already been decided. Taking his case before the Alkali would be to take it once again for sholo, and if he had trusted the Alkali more than he did the Lowan who originally gave sholo in the case, he would have brought his complaint directly to the Al-
[693] kali in the first place. In addition, the court exacts wushira from the winner, more than is paid in sholo, as well as other fees paid to police who bring in witnesses, and to court appointed assessors of property, in property disputes.

4. Taxation and the role of kabuna.

663
651 The two primary responsibilities of a Kanuri political official are to properly administer his territory and to collect taxes. The first duty involves the handling of disputes and
[565] maintaining adequate control over subordinates. So long as the traditional social system remains in effect, each class of individual will know its place, talaka will come to those in authority for sholo, subordinates will fear and respect their superiors, and those in power will not usurp their power by unduly exploiting the populace.

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*177 the usefulness of the activities in which the agents of this
75 authority engage. Taken at face value, the response of the
*829 Aristocracy in column 5 seems to make little sense. Its mean-
*565 ing becomes apparent when the role of this group within the
744 social structure is understood in relation to the behavioral area being investigated.

691 Arbitration of disputes between individuals has been dis-
e 627 cussed in some detail in the sections dealing with political
*177 organization. The traditional Kanuri way of dealing with inter-
648 personal disputes is for the complainant to bring his dispute before an authority figure for arbitration. For the bulk of the populace this means that disputes are brought before the Lowan or the Ajia. The Alkali is also a part of traditional Kanuri society but his authority now derives from external sources. British colonial government has set up the judiciary as an arm of government, and the Kanuri Alkali is part of this larger system. The decisions of the Alkali given in court are backed up by this external source of power. The judgments of the Lowan or the Ajia when he hears cases in sholo receive their support solely from the power vested in positions within Kanuri society. Willingness to take disputes to court, therefore, represents a tendency to seek for sanctions outside of
*177 traditional Kanuri society. The data on this question are pre-
691 sented in Table XXVIII. Responses in column 1 state simply
627 that the individual would bring his complaint before the Ajia
*829 (or Lowan). The attitude of the Talaka whose response is re-

[TEXT CONTINUED ON PAGE 291]

Table XXVIII

19. Arbitration of disputes: before Lowan (or Ajia) or in court.

	1. Ajia	2. 1st Ajia then to Court	3. varies with circumstances	4. Court	5. Neither
Aristocracy	1	1	2*a	1	
Koranic Malams			1*b	1	1*c
Canteen Operators		2	1	3*d	
NA Malams		3	1	2*ef	
Kabuna		5*g		1*h	
Craftsmen	1	5*i			
Talaka	2*j	2	1	3*k	
Low-status Individuals	1	2			1
Totals:	5	20	6	11	2

*a Lowan Kagu, the former Lowan states, "If you go to the Ajia, everybody talks it over and cools down. At court they punish the wrong doer. If you are right, you go to court. If you are not right, you go to the Ajia."

*b Koranic Malam: "No one ever did anything to me. If it is a light matter I would go straight to the court. If it is a weighty matter I would go first to the Ajia."

Others in this column stated that they would take a weighty matter to court and a light matter to the Ajia.

*c One malam stated that he would go to neither the Ajia or to court. "I would pray for Allah to take care of it." When asked what he would do if a man stole his goat he said that he would go first to the Ajia. If nothing happened he would sit still and would not go to court.

*d Several of the canteen operators give the following reasons for going to court: 1) "Court is more honest." 2) "The court is the proper judge for Moslems to go to." 3) "Long ago I would have gone to the Ajia. Now only to court. If you go to the Ajia, it's a drawn out affair."

[BEIDAN]

Table XXVIII (continued)

*177 691 *627 *829 *565 *559 *463

**e An NA Malan said, "Court. Court knows right and wrong; knows who is speaking the truth or not. Going to the Lowan only works if your complainant agrees."

**f Another said, "First to court. If you go to Sholo, the person giving sholo takes money and doesn't punish the person who has committed a wrong. The court is just and punishes."

**g A typical kabuna response was, "Go to the Ajia. He sends you to court. He is our superior."

**h An atypical kabuna: "Court. Both parties are forced to speak the truth."

**i A young leather worker: "Everyone has his Mai (king). The Lowan helps you; he fixes it. Ajia does the same. In court all are the same before the law. It doesn't help you; only when you are right. I would go to the Wakil of the Ajia with a complaint."

**j A talaka: "Go to the Lowan. The Lowan is my superior. A man who goes to court is stupid. If you go over your Lowan's head, it's no good. He collects your taxes."

**k Another talaka: "Only court. Only the court can enforce anything. If the other party doesn't agree, the Lowan is no use."

corded in *j is typical. Taking a dispute to court means short-cutting the traditional means of settling disputes and is likely to be interpreted by the Lowan as an attempt to go over his head. This would be a foolish thing to do, since the Lowan is one's immediate superior ("He collects your taxes."). Responses in column 2 indicate that one should go first to Ajia, and that the dispute should be taken to court only if the Ajia advises it. The Kabuna's response (*g) states that this should be the procedure because the Ajia is one's superior. The leather-worker (*i) phrases it so that everyone has his superior to whom he must first go with his complaints; these are then smoothed over. The responses in columns 1 and 2 represent traditional responses; 25 individuals (57 per cent) answered in this way.

Some individuals indicated that their course of action would depend on the circumstances. Thus one of the Aristocrats (*a) indicates a perfect understanding of the differences between taking a dispute to the Ajia for sholo and taking it before the Alkali in court. The purpose of sholo is to placate both sides; the court enforces its decisions by punishing the wrong-doer. Therefore, if you are in the right, you can witness the punishment of the individual who has wronged you by taking him to court. If you are not in the right, you are better off before the Ajia, whose aim is to settle the dispute. Several others (*b, *c) indicate that they would do little or nothing in assuming an active role in order to bring those

177 against whom they have a complaint before either authority.
627
691
829 Those who would take their disputes directly to court (column 4) offer a variety of reasons for so doing, but the basis of their reasoning is that: the court can determine the truth (and frequently people are required to swear on the Koran in court); the court can enforce its decisions; and sholo requires both parties to accept and be bound by the decision of the
177 arbitrator (see *e and *k) while the court does not. The 11
627 individuals whose answers fall in column 4 represent members
691 of 6 groups, but the highest proportion of respondents giving
829 this answer is to be found among the Canteen Operators. Three
44 of this group said "court"; only two said "Ajia first and then court." Furthermore, their reasons for taking a dispute to court are not as convincing as those of other individuals who would also take their disputes to court. In *d are to be found the responses of the three Canteen Operators who would take their disputes directly to court. Neither the first nor the second answer are reasonable explanations. Bribery is possible in cases brought for sholo and equally possible in cases brought before an Alkali; it is no more proper for a Moslem to go to court than it is for him to bring his dispute for arbitration. The third answer is more convincing, though it says only a portion
178 of what might be said. It seems clear that the Canteen Operators as a group would be more likely to take cases before the Alkali rather than before the Lowan or Ajia because of their own changing status in the social structure. Because they are

#177 a rising group, increasingly becoming more wealthy, more powerful, and more prestigeful, they tend to rely less on traditional Kanuri authority figures for resolution of conflict, and rely instead on externally derived authority. This is because they are unsure of their own position in relation to that of the Lowan or Ajia, and equally unsure as to how he sees their relationship. This uncertainty makes them unwilling to place themselves in a vulnerable position with respect to Lowan or Ajia by bringing their complaints to him.

The Kanuri place a very high value on charity and generosity. One who possesses worldly goods in abundance should share what he has with others who have little. The individual who occupies a high position in Kanuri society has access to wealth and to power (through which he can also achieve wealth). He is expected to distribute large amounts in charity in order to validate his high position. Every individual in the sample, when asked if he would give away a gown to someone who asked for one, replied that he would give (see Table XXIX). Not a single individual stated that he would refuse to give if asked. Furthermore, 36 individuals (82 per cent) answered with an unqualified "yes." Eight others said that they would give the gown but placed a variety of conditions on giving. The various qualifications placed on giving are presented in the right-hand column of Table XXIX. They range from statements that the other man must be brought by poverty, that you give to someone who is close to you but not to a stranger, to extreme statements

[TEXT CONTINUED ON PAGE 295]

586 Nevertheless the incidence of divorce is very high and only exceptional women marry as virgins and remain married all their lives to the same man, while practically all men divorce a wife at least once in their lives. The average figure is about three to four divorces per person (from qualitative observation and genealogical records) during a life span. The reasons given for divorce run the complete gamut of dissatisfaction that a man and a woman can complain of in their relations with one another.(1) Furthermore divorce is very easy to institute, being merely an act of personal will by either partner to the marriage.

[692] A great many divorces are practised without resort to the formal proceedings of the Alkalai court. The woman leaves her husband's compound taking her property with her and returns (traditionally) to her luwali's (guardian) household, which usually means her parents. As we have said before, this is not always the case in later marriages. If the husband wants her back, he sends an intermediary to the house to which she has returned to plead his case. If he does not, then an intermediary may be sent from the house to which the girl has gone. This latter procedure is much less usual, since the girl's family is traditionally of higher status, and it is customary for the lower status group to visit the higher and not vice versa. If no intermediaries are used it is assumed that both parties desire a divorce, or if they are used and fail to obtain a reconciliation, then [627] divorce follows. If any adjudication is required in the proceedings, [692] it is most commonly carried on by relatives, friends, ward heads and town heads.

[171] (1) c.f. Smith, M.G., op.cit. (1955) (p.63). Smith gives a list of complaints obtained from Hausa court records of divorce. All of his list of sixty-three complaints are applicable to Kanuri court proceedings on divorce.